

3/18/02 Returned to *Judiciary*

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SENATE FILE 2266  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2130)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to state purchasing of products from Iowa state  
2 industries.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*SF 2266*

1 Section 1. Section 904.802, Code 2001, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 2A. "State agency" means the government  
4 of the state of Iowa, including but not limited to all  
5 executive branch departments, agencies, boards, bureaus, and  
6 commissions, the judicial branch, the general assembly and all  
7 legislative agencies, institutions within the purview of the  
8 state board of regents, and any corporation whose primary  
9 function is to act as an instrumentality of the state.

10 Sec. 2. Section 904.805, subsections 1 and 2, Code 2001,  
11 are amended to read as follows:

12 1. Conduct market studies and consult with ~~public-bodies~~  
13 ~~and-officers-who-are-listed-in-section-904-807~~ state agencies,  
14 and with other potential purchasers, for the purpose of  
15 determining items or services needed and design features  
16 desired or required by potential purchasers of Iowa state  
17 industries products or services.

18 2. Receive, investigate and take appropriate action upon  
19 any complaints from potential purchasers of Iowa state  
20 industries products or services regarding lack of co-operation  
21 by Iowa state industries with ~~public-bodies-and-officers-who~~  
22 ~~are-listed-in-section-904-807~~ state agencies, and with other  
23 potential purchasers.

24 Sec. 3. Section 904.807, Code 2001, is amended to read as  
25 follows:

26 904.807 PRICE LISTS TO ~~PUBLIC-OFFICIALS~~ STATE AGENCIES.

27 The state director shall cause to be prepared from time to  
28 time classified and itemized price lists of the products  
29 manufactured by Iowa state industries. Such lists shall be  
30 furnished to all ~~boards-of-supervisors,-boards-of-directors-of~~  
31 ~~school-corporations,-city-councils,-and-all-other-state,~~  
32 ~~county,-city-and-school-departments-and-officials~~ state  
33 agencies, and other potential purchasers who are empowered to  
34 purchase supplies and equipment ~~for-public-purposes.~~

35 Sec. 4. Section 904.808, subsections 1 and 3, Code 2001,

1 are amended to read as follows:

2 1. A product possessing the performance characteristics of  
3 a product listed in the price lists prepared pursuant to  
4 section 904.807 shall ~~not~~ be purchased by ~~any-department-or~~  
5 ~~agency-of-state-government~~ a state agency from ~~a-source-other~~  
6 than Iowa state industries, except:

7 a. When the purchase is made under emergency  
8 circumstances, which shall be explained in writing by the  
9 ~~public-body-or-officer-who~~ state agency which made or  
10 authorized the purchase if the state director so requests; or

11 b. When the state director releases, in writing, the  
12 obligation of the ~~department-or-agency~~ state agency to  
13 purchase the product from Iowa state industries, after  
14 determining that Iowa state industries is unable to meet the  
15 performance characteristics of the purchase request for the  
16 product, and a copy of the release is attached to the request  
17 to the director of revenue and finance for payment for a  
18 similar product, or when Iowa state industries is unable to  
19 furnish needed products, comparable in both quality and price  
20 to those available from alternative sources, within a  
21 reasonable length of time. Any disputes arising between a  
22 purchasing ~~department-or-agency~~ state agency and Iowa state  
23 industries regarding similarity of products, or comparability  
24 of quality or price, or the availability of the product, shall  
25 be referred to the director of the department of general  
26 services, whose decision shall be subject to appeal as  
27 provided in section 18.7. However, if the purchasing  
28 department is the department of general services, any matter  
29 which would be referred to the director under this paragraph  
30 shall be referred to the executive council in the same manner  
31 as if the matter were to be heard by the director of the  
32 department of general services. The decision of the executive  
33 council is final.

34 3. A ~~department-or-agency-of-the~~ state agency shall  
35 cooperate and enter into agreements, if possible, for the

1 provision of products and services under an inmate work  
2 program established by the state director under section  
3 904.703.

4 Sec. 5. Section 904.815, subsection 1, Code 2001, is  
5 amended to read as follows:

6 1. Iowa state industries may produce and sell products to  
7 any tax-supported institution or governmental subdivision in  
8 any level of government which includes the state, county,  
9 city, or school corporation, or state agency as defined in  
10 section 904.802. Iowa state industries may sell products to  
11 employees of those entities agencies.

12 EXPLANATION

13 This bill relates to the state purchasing products from  
14 Iowa state industries.

15 The bill changes the terms "department or agency" and  
16 "public body or officer" to "state agency". The bill defines  
17 "state agency" to mean the government of the state of Iowa,  
18 including but not limited to all executive branch departments,  
19 agencies, boards, bureaus, and commissions, the judicial  
20 branch, the general assembly and all legislative agencies,  
21 institutions within the purview of the state board of regents,  
22 and any corporation whose primary function is to act as an  
23 instrumentality of the state.

24 The bill does not change what products are sold by Iowa  
25 state industries nor does it change the requirements for and  
26 exemptions to purchasing products from Iowa state industries.

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